

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ARLENE OTIS,	)	
	)	
Plaintiff,	)	
	)	No. 08 CV 4052
	)	
v.	)	Honorable Judge
	)	Marvin E. Aspen
CITY OF CHICAGO and RICHARD A. DEVINE,	)	
STATES ATTORNEY in his Individual and	)	
Official capacity,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO ANSWER OR  
OTHERWISE PLEAD**

NOW COMES Defendant RICHARD A. DEVINE, States Attorney of Cook County, by his attorney Assistant States Attorney, RONALD WEIDHUNER, and, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure (FRCP), state as follows:

1. Assistant State's Attorney Ronald Weidhuner was assigned this case in state court under case number 08 L 1057.
2. On June 24, 2008 defendant Devine's Motion to Dismiss was filed.
3. On July 1, 2008, the Honorable Elizabeth M. Budzinski continued the Motion to July 30, 2008.
4. On July 17, 2008 the City of Chicago, removed this case to the United States District Court for the Northern District of Illinois Eastern Division.
5. The Plaintiff alleges malicious prosecution and a state based claim of failure to pay a witness

fee.

6. On July 30, 2008, this Assistant State's Attorney appeared before Judge Budzinski and was told the case was not on the call and was removed to Federal Court.
7. A check on the Clerk's computer showed the case was up on August 13, 2008 for status.
8. Upon arriving in Court the Case was on the call and the defendants were told it was removed to Federal Court.

**WHEREFORE YOUR DEFENDANT PRAYS:**

1. That this Honorable Court grant an enlargement of time, up to and including September 5, 2008, for the Defendant to answer or otherwise plead;
2. That this Honorable Court grants any other relief it deems just.

Respectfully Submitted,

RICHARD A. DEVINE  
State's Attorney of Cook County

By: /s/ Ronald Weidhuner  
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